

93691.232

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

ANDREW HYNEK

Plaintiff,	)
	)
V.	) Case No.
	)
J&J DRIVEAWAY SYSTEMS, LLC, and JAMES FUTCH, Defendants.	)
	)

**NOTICE OF REMOVAL**

Come now Defendants, J&J Driveaway Systems, LLC and James Futch, by counsel, THOMAS S. EHRHARDT and KOPKA PINKUS DOLIN PC, and respectfully notice this Court of the removal of the above-captioned cause from the LaPorte Superior Court, State of Indiana, pursuant to 28 U.S.C. Section 1332(a), 28 U.S.C. Section 1441, 28 U.S.C. 1446 and in support thereof state as follows:

1. This action is being removed to the United States District Court for the Northern District of Indiana, South Bend Division, on the basis of diversity of citizenship.

2. On July 7, 2020, Plaintiff filed in the LaPorte Superior Court, State of Indiana, a Summons and Complaint in the above-titled civil action under Cause No. 46D02-2007-CT-000999. A copy of the Complaint, Summons, Appearance of Attorney Matthew B. Dogan, Thomas S. Ehrhardt, Charles F. Albrecht, Motion for Additional Time to Plead or Otherwise Respond and Order granting said motion attached hereto as Exhibit A. There have been no additional orders or pleadings filed with the LaPorte Superior Court.

3. A copy of the Complaint and Summons was served upon the Defendant James Futch on July 20, 2020. An additional copy of the Complaint and Summons was served upon the Defendant, J&J Driveaway Systems, LLC on July 20, 2020. Pursuant to 28 U.S.C. 1446(b) this Notice of Removal must be filed on or before August 19, 2020.

4. This action is a civil action for which this Honorable Court has jurisdiction pursuant to 28 U.S.C. 1332(a)(1) and 1441(a) and is one that may be removed pursuant to 28 U.S.C. 1441, as Plaintiff's claimed damages exceed \$75,000.00. The Plaintiff is a resident and citizen of Indiana. Defendant, James Futch is a resident and citizen of Texas. Defendant, J&J Driveaway Systems, LLC, is a Delaware corporation with its principal place of business in Overland Park, Kansas. The sole member of J&J Driveaway Systems, LLC is Auto Driveaway Systems, LLC a Delaware corporation with its principal place of business in Lombard, Illinois. The LaPorte Superior Court is within the venue of the United States District Court for the Northern District of Indiana, South Bend Division.

5. This Notice of Removal is being filed pursuant to 28 U.S.C. 1446(b) within the applicable time period for removal and is removable as the time for filing such Notice has not yet expired.

WHEREFORE, Defendants, J&J Driveaway Systems, LLC, by counsel, respectfully notify this Honorable Court of the removal of this action from the LaPorte Superior Court, State of Indiana, to the United States District Court for the Northern District of Indiana, South Bend Division, that this Court enter such orders as are appropriate, and for all further just and proper relief in the premises.

Respectfully submitted,

By: s/Thomas S. Ehrhardt  
Thomas S. Ehrhardt (#18621-45)

Thomas S. Ehrhardt  
KOPKA PINKUS DOLIN PC  
9801 Connecticut Drive  
Crown Point, Indiana 46307  
(219) 794-1888  
E-mail: tsehrhardt@kopkalaw.com

#### CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2020, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which sent notification of such filing to the following:

Matthew B. Dogan  
6062 Lute Road  
Portage, IN 46386

I hereby certify that on the 19<sup>th</sup> day of August, 2020, I electronically served the following persons were served on the same date using the IEFS:

Matthew B. Dogan 6062 Lute Road Portage, IN 46386	LaPorte Superior Court
---	------------------------

s/Thomas S. Ehrhardt  
Thomas S. Ehrhardt